

**Introduced by Senator Calderon**

February 15, 2008

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An act to amend Sections 13964 and 16380 of, and to add Section 13967 to, the Government Code, relating to crime victims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1249, as introduced, Calderon. Crime victims: Crime Victims Trust Fund.

Existing law provides for compensation to crime victims for specified services and losses by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, subject to specified eligibility criteria and application procedures.

This bill would establish the Crime Victims Trust Fund and would make the fund continuously appropriated, without regard to fiscal years, to the Governor's secretary for victim services for the purpose of developing services at the community level for crime victims who are eligible for compensation. This bill would require these programs to begin operation no later than July 1, 2009. This bill also would transfer \$50 million from the Restitution Fund to the Crime Victims Trust Fund.

By making moneys in a continuously appropriated fund available for a new purpose and by transferring money to a continuously appropriated fund, this bill would make an appropriation.

Existing law authorizes the Governor, upon request of the Controller and a determination in writing that there is insufficient cash in the General Fund to meet payments authorized by law, to direct the Controller to make transfers of money from any special funds and other

state accounts to the General Cash Revolving Fund, from which those authorized payments may be made. Existing law provides that these transfers do not apply to specified funds.

This bill would include the Restitution Fund and the Crime Victims Trust Fund among the specified funds to which the governor's transfer authority does not apply. It would authorize the California Victim Compensation and Government Claims Board to borrow moneys from the Crime Victims Trust Fund for transfer to the Restitution Fund for payment of compensation to eligible crime victims only upon approval of the Governor, Department of Finance, Speaker of the Assembly, and President pro Tempore of the Senate.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13964 of the Government Code is  
2 amended to read:

3 13964. (a) Claims under this chapter shall be paid from the  
4 Restitution Fund.

5 (b) Notwithstanding Section 13340, the proceeds in the  
6 Restitution Fund are hereby continuously appropriated to the board,  
7 without regard to fiscal years, for the purposes of this chapter.  
8 However, the funds appropriated pursuant to this section for  
9 administrative costs of the board shall be subject to annual review  
10 through the State Budget process. *In no event may the board's*  
11 *administrative costs in any fiscal year exceed 20 percent of the*  
12 *total amount of funds paid as compensation to crime victims in*  
13 *that year.*

14 (c) A sum not to exceed 15 percent of the amount appropriated  
15 annually to pay claims pursuant to this chapter may be withdrawn  
16 from the Restitution Fund, to be used as a revolving fund by the  
17 board for the payment of emergency awards pursuant to Section  
18 13961.

19 SEC. 2. Section 13967 is added to the Government Code, to  
20 read:

21 13967. (a) The Crime Victims Trust Fund is hereby established  
22 in the State Treasury.

1 (b) Notwithstanding Section 13340, the proceeds in the Crime  
2 Victims Trust Fund are hereby continuously appropriated, without  
3 regard to fiscal years, to the Governor's secretary for victim  
4 services for the purpose of developing services at the community  
5 level for persons who are eligible for compensation under this  
6 chapter. These programs shall begin operation no later than July  
7 1, 2009.

8 (c) Funds from any public or private source may be deposited  
9 in the Crime Victims Trust Fund.

10 (d) Notwithstanding any other provision of law, the Treasurer  
11 shall prudently invest all moneys in the Crime Victims Trust Fund,  
12 and all interest earned on those moneys shall accrue to the fund.

13 (e) The amount used for administering the Crime Victims Trust  
14 Fund in each fiscal year shall not exceed 20 percent of all funds  
15 allocated from that fund for developing community services in  
16 that fiscal year.

17 (f) The board may borrow moneys from the Crime Victims  
18 Trust Fund for transfer to the Restitution Fund for payment of  
19 compensation to eligible crime victims only upon approval of the  
20 Governor, Department of Finance, Speaker of the Assembly, and  
21 President pro Tempore of the Senate.

22 SEC. 3. Section 16380 of the Government Code is amended  
23 to read:

24 16380. This article does not apply to the Unemployment Fund  
25 or the Unemployment Administration Fund created by the  
26 Unemployment Insurance Act, *the Restitution Fund, or the Crime*  
27 *Victims Trust Fund*.

28 SEC. 4. The sum of fifty million dollars (\$50,000,000) is hereby  
29 transferred from the Restitution Fund to the Crime Victims Trust  
30 Fund for use pursuant to Section 13967 of the Government Code.

31 SEC. 5. This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or safety within  
33 the meaning of Article IV of the Constitution and shall go into  
34 immediate effect. The facts constituting the necessity are:

35 In order to make funds available as soon as possible for  
36 developing community services for crime victims, it is necessary  
37 for this act to take effect immediately.

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